

IV. REMARKS

The Examiner has made a Restriction between species I (Figs. 1-2), and species II (Fig. 3). The Applicant respectfully notes that the Restriction in this Action is defective, at least because the Examiner has failed to provide any reason as to why the Restriction is made. The Examiner states that species I, illustrated in Figs. 1-2 is patentably distinct from species II illustrated in Fig. 3. This however, is merely a conclusory statement, and amounts to no more than a bare restriction itself. MPEP 803 requires that the Examiner state the reasons supporting the conclusion that the claims in the application are drawn to patentably distinct species. However, no such reasons are included in the Action. Accordingly, the Restriction should be withdrawn. It is noted, that the above is not and should not be construed as either an admission or confirmation that the species A and B are or are not patentably distinct. Rather, it is a notation that the Restriction as made is defective and should be withdrawn. Further, it is also noted that a Restriction is proper only if there would be a serious burden on the Examiner if Restriction is not required (MPEP 803).

In any event, pursuant to 35 U.S.C. 121, the Applicant provisionally (in view of the aforementioned defect in the Restriction) elects to continue prosecution of species I (Figs. 1-2) in the instant application. Claims 1-3, and 7-16 are readable on Figs. 1-3. Accordingly, it is respectfully submitted that claims 1-3, and 7-16 are generic. Claim 4 is readable on Figs. 1-2, and claims 5-6 are readable on Fig. 3. In view of the above, all claims remain pending in this application.

The Examiner has objected to the Specification and Drawings. The Specification has been amended to overcome the objections.

Further, Claim 15 has been deleted without prejudice. It is submitted that the drawings now show all the features recited in the pending Claims.


The Examiner has rejected Claims 2-8 and 15 under 35 U.S.C. 112, First paragraph. The Specification and Claims 2-8 have been amended to overcome the rejection. Claim 15 has been deleted without prejudice.

The Examiner has rejected Claims 1-16 under 35 U.S.C. 112, Second paragraph. Claims 1-7, 9-13, and 16 have been amended to overcome the rejection. Claim 15 has been deleted without prejudice. It is noted that the amendments to the Claims to add the definite or indefinite article (i.e. "the", "a") are not narrowing amendments made for patentability reasons, because the Claims so amended met the definiteness criteria of 35 U.S.C. 112, Second paragraph before such amendments. Rather, these amendments have been as a courtesy to the Examiner in order to expedite allowance of the instant application.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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11/17/03

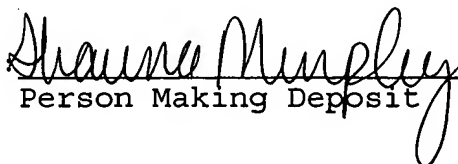
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